

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

U.S. BANK, NATIONAL  
ASSOCIATION, as trustee for the  
C-Bass Mortgage Loan Asset-Backed  
Certificates, Series 2007-CB3,

Plaintiff,

v.

LELA CROSS, et al.,

Defendants.

CASE NO. C10-5539BHS

ORDER REMANDING ACTION  
TO STATE COURT

This matter comes before the Court on Defendants Lela Cross and Kristi Duke's<sup>1</sup> response (Dkt. 5) to the Court's order to show cause why this action should not be remanded to state court for lack of jurisdiction (Dkt. 3). The Court has considered Defendants' response and the remainder of the file and hereby remands this action to the state court in which it was filed, for lack of jurisdiction.

Here, the Court finds that Defendants, in their notice of removal of the state court unlawful detainer action, have failed to show how this Court has proper jurisdiction over this action. Although Defendants apparently attempt to invoke both the Court's original and diversity jurisdiction, the facts pled by Defendants fail to support these jurisdictional allegations. Defendants cite to Plaintiff's violation of 18 U.S.C. §1962(b), a criminal statute, in support of their claim that the Court has original subject matter jurisdiction.

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<sup>1</sup> Although Lela Cross and Kristi Duke list themselves as the plaintiffs in this action, when a state court action is removed to this Court, the designation of the parties remains unchanged. *See generally* 28 U.S.C. § 1446. Therefore, the Court will refer to Lela Cross and Kristi Duke as Defendants and to U.S. Bank, National Association as Plaintiff.

1 Defendants do not have standing to bring an action against Plaintiff for alleged violations  
2 of the United States Criminal Code. In addition, Defendants state that the parties are  
3 diverse and thus the Court has diversity jurisdiction. However, Defendants name several  
4 parties that appear to be residents of the State of Washington, for jurisdictional purposes,  
5 as are Defendants themselves. *See* Dkt. 1. Therefore, the parties lack diversity of  
6 citizenship and Defendants have failed to allege an amount in controversy. *See* 28 U.S.C.  
7 § 1331. In their response to the Court's order to show cause, Defendants do not present  
8 any additional evidence to show that the Court has proper jurisdiction over this action.  
9 *See* Dkt. 5.

10 Therefore, the Court hereby **ORDERS** that this action is **REMANDED** to the  
11 state court in which it was filed, for lack of jurisdiction.

12 DATED this 4<sup>th</sup> day of January, 2011.

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15 BENJAMIN H. SETTLE  
16 United States District Judge  
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